

**Village of Indian Head Park
201 Acacia Drive
Indian Head Park, IL 60525**

**MEETING MINUTES
BOARD OF TRUSTEES**

“Pursuant to 5 ILCS 120/2.06 (3) minutes of public meetings shall include, but need not be limited to: a general description of all matters proposed, discussed, or decided, and a record of votes taken.”

**Thursday, May 14, 2009
7:30 P.M.**

★ CALL TO ORDER - MAYOR RICHARD ANDREWS

The regular scheduled meeting of the Village of Indian Head Park Board of Trustees was held on Thursday, May 14, 2009 at the Municipal Facility, 201 Acacia Drive, and was called to order at 7:30 p.m. by Mayor Richard Andrews. Deputy Village Clerk Kathy Leach called the roll as follows:

★ ROLL CALL: KATHY LEACH, DEPUTY VILLAGE CLERK

PRESENT (AND CONSTITUTING A QUORUM):

Mayor Richard Andrews
Trustee Debbie Anselmo
Trustee Brian T. Bailey
Trustee Anne Bermier
Trustee Carol Coleman
Trustee Norman L. Schnauffer
Trustee Matthew P. Walsh II

ALSO PRESENT:

Frank Alonzo, Chief of Police/Administration
Dave Brink, Finance Director
Steve Busa, Treasurer
Joseph V. Consolo, Village Clerk
Richard Ramello, Counsel, Storino, Ramello & Durkin
Edward Santen, Water/Public Works Superintendent
Dave Vandervelde, Christopher Burke Engineering

★ PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Richard Andrews and the Board of Trustees led the audience in reciting the Pledge of Allegiance to the Flag: *“I Pledge Allegiance to the Flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all”*.

★ **ADMINISTERING OATH OF OFFICE TO NEWLY ELECTED OFFICIALS BY THE HONORABLE PATRICK ROGERS, COOK COUNTY CIRCUIT COURT JUDGE**

Deborah Anselmo, Village Trustee
Anne M. Bermier, Village Trustee
Carol A. Coleman, Village Trustee

The Honorable Cook County Circuit Court Judge Pat Rogers administered the oath of office to each of the newly elected Village Trustees: Deborah Anselmo, Anne Bermier and Carol Coleman, each to serve a four-year term. Mayor Andrews noted that Trustee Anselmo will be starting a third term as Trustee, Trustee Bermier will be starting her eighth term and Trustee Coleman will be starting her fifth term. Mayor Andrews thanked the newly elected trustees for their dedication and service to the Village Board. He noted that past Village President Rich Pellegrino is also in attendance this evening and he thanked him for his service on the Board and as the Mayor.

Mayor Andrews stated that he is honored to welcome Cook County Circuit Court Judge Pat Rogers who also previously served as Lyons Township Supervisor and the Village's Prosecuting Attorney for many years. Judge Pat Rogers stated that he was honored to serve the Village as Prosecuting Attorney for the past fifteen years as well as the Township of Lyons Supervisor for many years. He added that it was a pleasure to work with former Mayor Rich Pellegrino as well as the current Mayor Rich Andrews and the Village Board of Trustees on many projects over the years. He noted that the Township Supervisor works with the seventeen (17) communities that comprise the Township on a regular basis. Judge Rogers stated that the residents of Indian Head Park have a reason to be proud of the outstanding job of those officials that serve on the Village Board and the projects that have been completed at the local level as well as policies that have been implemented over the years. Pat Rogers also thanked the residents of Indian Head Park for their support in the last election in which he was elected to serve as Judge of the Circuit Court in Cook County.

★ **MAYOR'S REPORT**

Mayor Andrews stated that there are several items listed on the Consent Agenda for approval this evening. He noted that upon approval of the consent agenda items, Dennis Schermerhorn will be reappointed as Chairman of the Planning and Zoning Commission, Commissioners Noreen Costelloe and Denise Ingram will be reappointed to Planning and Zoning and Mario Stefanini will be reappointed to the Fire and Police Commission.

Mayor Andrews reported that several resolutions will also be approved pertaining to Public Works projects including the repaving of Blackhawk Trail which will be completed with Federal funding from the American Recovery and Reinvestment Act as part of the stimulus program.

He further noted that the resolution from the City of Countryside will be approved as it relates to accepting the Village of Indian Head Park's share of cost for water infrastructure maintenance from the City of Countryside. Mayor Andrews stated that a bi-ennial report is provided by the City of Countryside pursuant to the water contract between the City of Countryside and the Village of Indian Head Park for Lake Michigan water. He noted that the report stated that there will be an increase in the water rate of 12 cents per 1,000 gallons of water from the City of Countryside which will be effective on July 1, 2009 and reflected in the October water billing period.

Mayor Andrews stated that due to limited revenue sources to Indian Head Park water rate increases passed along from the City of Countryside cannot be absorbed by the Village. He noted that the 12 cents per 1,000 gallons of water will pay for the Village's share of water infrastructure maintenance to the City of Countryside and the increase will be approved by a resolution presented by the City of Countryside on the Consent Agenda under Resolution #R5-09-4.

★ CONSENT AGENDA

Approval of a Resolution for Road Improvements by the Village of Indian Head Park and Preliminary Engineering Agreement for Motor Fuel Tax Funds (Resolution #R5-09-1).

Approval of a Resolution Urging Passage of a Comprehensive Capital Infrastructure Program in the 2009 Legislation Session (Resolution #R5-09-2).

Approval of a Resolution Authorizing the Village of Indian Head Park to File an Application for Funding under the Federal American Recovery and Reinvestment Act (Resolution #R5-09-3).

Approval of a Resolution Accepting the City of Countryside's Cost of Water Service to the Village of Indian Head Park (Resolution #R5-09-4).

Approval of an Ordinance Amending Title 13 entitled "Public Services" of the Municipal Code (Ord. #09-5).

Reappointment of Dennis Schermerhorn/Chairman of Planning and Zoning for the term ending 4/30/12.

Reappointment of Noreen Costelloe to the Planning/Zoning Commission for the term ending 5/13/10.

Reappointment of Denise Ingram to the Planning and Zoning Commission for the term ending 5/13/11.

Reappointment of Mario Stefanini to the Fire and Police Commission for the term ending 5/13/11.

Mayor Andrews entertained a motion to approve the consent agenda items. He noted that a change is proposed in the last paragraph of Resolution #R5-09-2 as it relates to the formula for distribution of funds that may be available under the Comprehensive Capital Infrastructure Stimulus Program. Mayor Andrews stated that the existing formula for distribution of funds under this program is a split of funds whereby 45% of the funds in the capital infrastructure program comes to northeast Illinois and 55% of the funds is distributed to the rest of the state.

He noted that the Chairman of the Illinois State Transportation Committee is proposing a new formula which would earmark 55% of capital infrastructure program funds to northeast Illinois and 45% to the rest of the State of Illinois.

Mayor Andrews stated that the proposed resolution before the Board this evening will reflect that the share of capital infrastructure stimulus funds be allocated by a 55% share for northeast Illinois and a 45% share of funds for the rest of the State of Illinois. Trustee Coleman moved, seconded by Trustee Bermier, to approve the consent agenda as presented. Carried by unanimous roll call vote. (6/0/0).

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnaufer, Walsh
Nays: None
Absent: None

★ **APPROVAL OF BOARD MEETING MINUTES**
Minutes of the Regular Board Meeting - April 9, 2009

After review of Board meeting minutes, Trustee Walsh moved, seconded by Trustee Schnaufer, to approve the April 9, 2009 regular Board meeting minutes, as presented. Carried by unanimous voice vote (6/0/0).

★ **APPROVAL OF FINANCIAL REPORTS - TREASURER BUSA**
Financial Report for the month ending March 31, 2009
Financial Report for the month ending April 30, 2009

Treasurer Busa presented the financial reports for the months ending March 31, 2009 and April 30, 2009. For the month of March, he noted: (1) total revenues were \$465,231.34; (2) expenditures were \$200,447.56 and; (3) total fund balances in all accounts at the end of March were \$528,827.82. Treasurer Busa stated that the Village's portion of the 1st installment of real estate tax revenue collected by Cook County was received by the Village and is reflected in the revenue statement for the month of March. For the month of April, he noted: (1) total revenues were \$295,611.61; (2) expenditures were \$257,771.61 and; (3) total fund balances in all accounts at the end of April were \$464,725.85. Trustee Schnaufer moved, seconded by Trustee Anselmo, to approve the financial reports for the months ending March 31, 2009 and April 30, 2009, as presented by Treasurer Busa. Carried by unanimous roll call vote (6/0/0).

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnaufer, Walsh
Nays: None
Absent: None

QUESTIONS AND/OR COMMENTS FROM THE AUDIENCE - INDIAN HEAD PARK RESIDENTS REGARDING AGENDA ITEMS ONLY

Mayor Andrews stated that the Village Board will first receive the reports from the Planning and Zoning Commission with regard to the zoning items on the agenda this evening. He noted that input will be received from Jim Stortzum, the Ashbrook Townhome Association attorney concerning the swimming pool matter at 11145 Ashbrook Lane as well as input from the audience and discussion by the Village Board.

Mayor Andrews pointed out that the zoning matters before the Village Board this evening are not a public hearing process. He noted that the public hearing process was conducted by the Planning and Zoning Commission on April 14, 2009 with regard to Petition #171 for an amendment to the Ashbrook Development Planned Unit Development with regard to an in-ground swimming pool, safety fence and landscape enhancements at 11145 Ashbrook Lane. Mayor Andrews stated that the reports will be received from the Chairman of the Planning and Zoning Commission with regard to both zoning petitions and comments from the audience will be received after the reports on each zoning matter.

ZONING AGENDA ITEMS (DISCUSSION AND A POSSIBLE VOTE MAY TAKE PLACE REGARDING ITEMS LISTED ON THE ZONING AGENDA)

Report from the Planning and Zoning Commission Regarding Petition #171 - a Public Hearing Regarding an Amendment to the Ashbrook P.U.D. for the Property at 11145 Ashbrook Lane.

A. Motion to Receive Report

B. Discussion, Consideration and Possible Vote to Grant Zoning Relief Requested

Chairman Dennis Schermerhorn reported that the Planning and Zoning Commission conducted a public hearing on Tuesday, April 14, 2009 to consider Petition #171 for an amendment to the Ashbrook Planned Unit Development regarding 11145 Ashbrook Lane and a request for an in-ground swimming pool, safety fence and landscape enhancements.

Chairman Schermerhorn noted the following: (1) the zoning petition for an amendment was presented by Mr. & Mrs. Jim Nix, the property owners of 11145 Ashbrook Lane, as well as a representative from Barrington Pools; (2) the swimming pool would occupy a large portion of the rear yard; (3) alternate designs were presented to include a retaining wall as well as a design plan without a retaining wall concept; (4) grading and landscaping plans were also provided to the Commission; (5) the property has a retention pond on its rear boundary that also extends along five other homes; (6) twenty-two townhome unit owners also surround the pond; (7) the retaining wall concept would have created a requirement for a rear yard variance; (8) there were a number of opposing positions presented entirely from townhome unit owners, as well as letters opposing and supporting the proposal and; (9) the Ashbrook Single Family Estate Homes Association supported the proposal and the Ashbrook Townhome Association opposed the proposal.

Chairman Schermerhorn stated that the objections were to potential pond pollution from the swimming pool, the potential for additional noise from pool parties, the fact that there were no swimming pools in Ashbrook and that plans were not available for review prior to the public hearing process.

Chairman Schermerhorn stated that there was lengthy discussion between the Commission members as well as input from the audience.

The following findings were noted for the record: (1) building regulations require that pools be drained into the sanitary system rather than the storm system, avoiding pond contamination issues; (2) the underlying Planned Unit Development documentation clearly anticipated swimming pools in the complex, and provided extensive commentary as to the placement and controls expected for the inclusion of pools and; (3) the photo simulations provided by Barrington Pools seemed to diffuse objections as to appearance and visual impact.

Chairman Schermerhorn noted that after review of the findings of fact and discussion among the commissioners, the Commission voted its recommendation to the Village Board to accept the petition as presented with the following conditions: (1) provisions need to be in place to insure the pool will be drained, if needed, into the sanitary sewer system; (2) the Village regulations regarding fence screening must be observed and; (3) the swimming pool design plan without the retaining wall concept was the option chosen by the property owner and pool contractor. Chairman Schermerhorn further noted that the vote by the Commission members to provide a favorable recommendation to the Village Board to grant the amendment to the Ashbrook P.U.D. was seven members in favor, none opposed and none absent.

Mayor Andrews asked if the recommendation from the Planning and Zoning Commission was made on the basis that the swimming pool design plan would not have a retaining wall concept. Chairman Schermerhorn responded, yes. Mayor Andrews inquired if the recommendation and comments from the Planning and Zoning Commission were based on the reports from the Village engineer and plan review consultant based on information that was available at that time. Chairman Schermerhorn responded, yes. Mayor Andrews entertained a motion to receive the report from the Planning and Zoning Commission with regard to Zoning Petition #171 for an amendment to the Ashbrook Development P.U.D. Trustee Coleman moved, seconded by Trustee Bailey, to receive the report from the Planning and Zoning Commission regarding Zoning Petition #171 for an amendment to the Ashbrook Development Planned Unit Development for the property located at 11145 Ashbrook Lane. Carried by unanimous voice vote (6/0/0).

Mayor Andrews stated that he was aware that a request for information under the Freedom of Information Act was submitted to the Village prior to the hearing concerning this zoning matter. He noted that a comment was stated that the plans were not made available prior to the public hearing. He pointed out that the request was sent to Village counsel to provide a response to determine information that could be released.

Mayor Andrews stated that State Statutes provide certain exemptions under the Freedom of Information Act that do not provide for the release of various types of information including architectural design plans. He noted that the plans were made available at the public hearing for public review.

Mayor Andrews stated that the Ashbrook property was annexed into the Village of Indian Head Park in 1995 and the Ashbrook Development Planned Unit Development process began in 1996 and 1997. He noted that a Planned Unit Development process is submitted to the Village by the developer to build specific types of housing according to submitted plans on specific lots and when it is approved, any and all variances are granted that would normally be required through the zoning regulations. He noted that Ashbrook is zoned R3A-Planned Unit Development which requires single family lot sizes of a minimum of 10,000 square feet and a rear yard setback of forty-feet (40') and some of the lot sizes are greater than 10,000 square feet. Mayor Andrews stated that when the request for an in-ground swimming pool was submitted by Mr. & Mrs. Nix the Village consulted with counsel to determine whether a zoning process was needed. He noted that Counsel Ramello advised that a zoning process would be needed to consider the request for a change to the previously approved P.U.D. and the property owners submitted a petition for a public hearing at that time.

Mayor Andrews stated that the public hearing on this matter was held before the Planning and Zoning Commission on Tuesday, April 14, 2009 based on the information and input available at that time. Mayor Andrews further stated that following the Planning and Zoning Commission meeting and the concept plan by Barrington Pools to install the pool without a retaining wall, the Village requested a final set of final plans reflecting all items to be incorporated so there would be a clear understanding of what is being proposed to be constructed.

Mayor Andrews noted that the final set of plans presented by Barrington Pools after the public hearing process does not reflect the entire pool design plan concept including drainage patterns and storm water run-off or landscaping. Mayor Andrews stated that the Village's plan review consultant as well as the Village engineer both provided preliminary reports with items that needed to be addressed. Dave Vandervelde, the Village's engineer, stated that some spot elevations showing the slope of the land were provided by the pool contractor. However, according to the Village Engineer, Dave Vandervelde, the plan does not represent a drainage plan that can be reviewed in order to provide an engineering report. Mayor Andrews stated that the Village's plan review consultant provided a third report on the proposed plans for the pool project throughout the plan review process and the concepts provided as changes to the design plan were presented for review. He noted that the Village's plan review consultant provided the last report dated May 12, 2009, which pointed out several items that still needed to be addressed.

Mayor Andrews summarized a few items in the report that was also provided to the property owner as well as representatives from Barrington Pools: (1) no detail grading plan, only spot elevations were submitted for review; (2) the landscape plan needs supplemental information to determine if the plan meets the requirements for screening of the safety fence;

(3) the ordinance requires that landscape screening be installed by use of evergreens that maintain their leaves throughout the winter months and that the evergreens be at least five-feet (5') tall at the time of planting; (4) the plans no longer depict a retaining wall around the three sides of the pool but it was not clear how the grade would transition from the pool deck to the existing grade at the rear of the lot. He noted that the grade is a higher elevation closer to the house and lower at the rear of the property closer to the pond; (5) the plan review consultant stated in his report that the pool needs to be held in place by poured concrete if a retaining wall structure is not installed. Two plan concepts were presented by the pool contractor. A retaining wall structure in the rear yard setback would require zoning relief. If the retaining wall is part of the pool deck area it could be an allowable encroachment because in-ground swimming pools are permitted obstructions in the rear yard setback and allowed under the residential zoning classifications in the Municipal Code. Mayor Andrews pointed out that the property located at 11145 Ashbrook Lane is designated as R3A Planned Unit Development. He noted that whether the retaining wall is part of the pool deck area or a separate structure from the pool outside of the buildable area, zoning relief would be needed; (6) Mr. Halik, the Village's plan review consultant, also stated that it is unclear on the plans with regard to the upper deck area to the lower patio area and the safety design of the railing to be installed. Mayor Andrews stated that the pool design needs to be level to keep the water from spilling out. He noted that the land slopes down from the back of the house and the grade changes all the way to the pond area in the rear yard of the property. The end of the pool area in the rear yard will be about 3.2 feet above grade with stairs from the top of the pool decking area down to grade at a lower patio level about three-feet (3') in height; (7) the safety fence is about five-feet (5') in height but the placement of the safety fence is outside of the required area; (8) the pool decking area is substantially higher with the safety fence much lower at a grade three-feet (3') lower than the pool decking area; (9) if five-feet (5') evergreen screening is planted around the safety fence, the evergreens will only be two-feet (2') higher than the pool deck area; (10) on the two sides of the pool deck area stairs down to grade are shown on the plan. He noted that any raised decking area over 12" in height must have a safety railing installed to meet the code requirements. There is no railing shown on the plans; (11) the plan review consultant noted in his report that further detail was needed regarding the proposed function of the infinity edge design of the pool area that was proposed by Barrington Pools; (12) landscaping concerns were noted in the report in addition to the proposed safety fence on the west side of the pool decking area and whether there is sufficient room between the fence and the lot line to allow for the installation of evergreens within the property boundary lines; (13) several mechanical and electrical issues were also noted in the plan review report that need to be resolved to meet the building code requirements.

Mayor Andrews stated that Jim Stortzum, counsel for the Ashbrook Townhome Association is present this evening on behalf of the Ashbrook Townhome Association Board.

Mr. Jim Stortzum, counsel for the Ashbrook Townhome Association, stated that he received a letter from Village Counsel Rich Ramello who pointed out that although the Board meeting is not a public hearing process comments regarding the proposed pool in Ashbrook would be welcomed by the Board.

Mr. Stortzum stated that he is present representing the Ashbrook Townhome Association and the following Ashbrook Townhome Association Board members are also present this evening: Mr. Eck, Joe Bamberger, Jack Impens and Donna Smith. Mr. Stortzum stated that according to the Ashbrook Townhome Association deed, the Townhome Association owns the pond and areas surrounding the pond. He noted that the Townhome Association is responsible for the maintenance of the pond as well as open areas and the proposed zoning amendments which could have an impact on the drainage in the development in the common areas.

Mr. Stortzum stated that Ashbrook Townhome Association is opposed to the project as it is currently proposed due to the following concerns: (1) the current lighting of the pool and illumination from the property that might disturb the neighbors that live in close proximity; (2) noise that might be generated from the site and screening. He noted that although the pool would be for private use, public pools have a limit on the hours of operation and the Planning Commission did not address that issue. Mr. Stortzum asked if the pool would be in use at 9:00 p.m. or 10:00 p.m. because the property is a Planned Unit Development integrated with people living in close proximity; (3) there are drainage and water run-off issues with a swimming pool that need to be addressed as stated by the Village consultants. He noted that the Ashbrook Townhome Association would also be interested in looking at those plans to determine there would be no adverse impact; (4) this is the first in-ground swimming pool proposed in the Ashbrook Development, the property was established as a Planned Unit Development in 1996 and approval of the pool would establish a precedent. He noted that there are approximately seventeen more single family homeowners that might also wish to install a swimming pool and inquired what restrictions would be implemented if this project moves forward; (5) if the project proceeds it will set a trend and tight regulations should be established if a pool is allowed to avoid less problems in the future; (6) when the Ashbrook Townhome unit owners purchased their properties, there was no mention in the Townhome Association declarations of easements, covenants and restrictions that swimming pools are allowed and there was no mention of pools in the Planned Unit Development ordinance. He noted that swimming pools are mentioned in the Ashbrook Estate Homes Association covenants; (7) the Ashbrook Townhome Association Board is asking that the matter be referred back to the Planning and Zoning Commission for further findings since there are so many open issues with the project. Mr. Stortzum stated that he mentioned to Village Counsel that possibly the advice of a land planner would be needed with regard to the proposed plans to determine if there would be an adverse impact on the property values in the development if a pool is proposed; (8) Mr. Stortzum stated that if the applicant makes their case and all issues are addressed, they are entitled to the pool. If the applicant does not address all issues, it should not be approved; (9) Mr. Stortzum stated for the record there are signed

petitions from Ashbrook Townhome unit owners in opposition of the zoning request which are being presented to the Board this evening. Mr. Stortzum thanked Mayor Andrews and the Village Board for the opportunity to address the Board with regard to this zoning matter.

Mayor Andrews entertained public comments from the audience concerning the zoning matter before the Board with regard to the property at 11145 Ashbrook Lane. Donna Smith, of 6211 Edgebrook Lane West and a member of the Ashbrook Townhome Board, stated that there are also concerns with the drainage swale area between the property at 11145 Ashbrook Lane and the extensive use of that area for heavy equipment that would be brought in to work on the site. She noted that the area is always wet, there is PVC pipeline below the ground from the south pond to the center pond and also to the north pond. She noted that there are concerns with those pipes breaking or cracking if heavy equipment crosses those areas.

Jim Nix, of 11145 Ashbrook Lane, stated that when he and his family moved to Ashbrook, the townhomes were not even built at the time and the lot that was selected for his future home was selected from the Ashbrook Subdivision Plat. Mr. Nix stated that his particular lot was selected based on the declarations of covenants provided by Don Stevens, the developer at that time, which specifically state that pools are permitted and the plan was to have a pool in the backyard of his property at some point. Steve Hopkins, from Barrington Pools, stated that he is aware that there are definitely some items that need to be addressed relative to the pool project for clarification purposes. He noted that at the April 14, 2009 Planning and Zoning Commission meeting, the project was thoroughly discussed in great detail about how the grades would be handled with the thickened pool edge as part of the pool decking and that issue seemed to be addressed. Mr. Hopkins stated that he would provide a cross section of the pool edging and how it would be constructed if it is needed for Village engineering review and inquired about the height of the railing that would be needed on the pool decking area that is above grade. Mayor Andrews stated that the building code reflects the requirements for a safety railing that needs to be installed on raised deck structures over twelve inches (12") in height. Mayor Andrews stated to Mr. Hopkins from Barrington Pools that it is not up to the Board to provide advice on how to fix the pool design plan, several plan review reports were provided relative to this project and the Board will only provide input on the concept plan presented to the Board.

Jack Impens, of 6287 Edgebrook Lane East, asked if the raised patio structure would be constructed south of the pool area and how close would that structure be to the pond. Mayor Andrews stated that the patio would be constructed entirely on the private property of the homeowner but the distance from the rear lot line was not provided. Mr. Impens asked if a plat plan with layout of the pool including elevations could be provided for review. Mayor Andrews stated that at some point a plan showing elevations will be provided and available for review.

He noted that the proposed plan for a pool in Ashbrook is the first request for a pool in Ashbrook and the Board will look at the project to be fair to everyone while applying Village codes as it relates to this project.

Mayor Andrews asked if there are any other comments from the audience relative to the zoning matter before the Board concerning the request for a pool at 11145 Ashbrook Lane. There were no further comments from the audience, property owner or contractor. Trustee Coleman stated that she was in attendance at the public hearing before the Zoning Commission regarding this zoning matter and the contractor stated at that meeting that the pool could be designed without a retaining wall. Trustee Coleman further stated that the impression at that meeting was that the property would be bermed up to the pool area with grass, the safety fence would be installed around the pool area and screening would be provided. Trustee Coleman stated that clarification is needed regarding the proposed infinity edge or retaining wall concept.

Mayor Andrews stated that there are concerns with the project and it appears that there may be too much pool for a small backyard lot in a Planned Unit Development. He added that almost every square inch of backyard would be taken up with the pool, patio areas and safety fence outside of those areas. Mayor Andrews stated that there are concerns about the distance between the fence and the side lot lines to allow adequate room for the evergreens to grow that will screen the safety fence. Mayor Andrews stated that possibly the size of the pool could be reduced or the spa eliminated from the project to reduce the overall plan. He noted that in-ground swimming pools are permitted in residential districts but one portion of the pool at the rear lot line is about three-feet (3') out of the ground. Mayor Andrews stated that he is not dictating taste on how to design a pool but to merely make a suggestion that the pool could possibly be designed to step the patio areas down to grade and to even out the pool structure.

Mayor Andrews stated that he is cognizant of the townhome unit owners concerns with respect to the swale and heavy equipment to the site. He noted that the Ashbrook Townhome Association has denied permission to use the swale area as an access point for equipment, which is a private matter. Mayor Andrews and the Board members reviewed the proposed plan submitted by Barrington Pools dated May 4, 2009. Mayor Andrews pointed out that there are several beautiful mature trees in the backyard that provide screening but those trees will lose the leaves in the winter months. Therefore, landscape hedges or evergreens need to be planted to fully screen the fence according to the code requirements. Mayor Andrews stated that Barrington Pools has constructed in-ground pools in Indian Head Park previously and the pool contractor is aware of the Village code requirements.

Trustee Bailey stated that one issue raised by the Townhome section of Ashbrook is run-off from the pool. He pointed out that chemicals are used in pools and in ponds. He asked if there would be a problem if there was run-off from the pool into the pond since ponds may be chemically treated for algae or other purposes.

Joe Bamberger, of 11147 Edgebrook Lane, stated that there are fish in the ponds in Ashbrook and concerns were discussed at the Zoning Commission hearing regarding run-off from the pool into the pond if there was a substantial rain event.

Steve Hopkins from Barrington Pools stated that the pool is designed with a teardrop salt water generated system and there would be no run-off from the pool of chemicals.

Mayor Andrews asked Mr. Nix if he has comments regarding the items discussed this evening relative to the pool project. Mr. Nix stated that the proposed infinity pool edge is a 30" in height and fifteen feet (15') in width pool edge wall that is part of the pool structure, the patio areas were designed to provide a useful area in the rear yard to enjoy the outdoors and he consulted with Heidi Lopez who is a landscape architect regarding additional screening to be added around the fence areas. Mr. Nix stated that he has no objections in screening the fence with evergreens. Mayor Andrews inquired about the width of the lower patio area from the wall out to where the fence is located. Mr. Nix stated that the patio is about four-feet (4'). Mayor Andrews stated that stairs down to the lower patio area are shown on the plan and he asked if the area outside of the pool deck area is landscape graded to the top of the deck. Mr. Hopkins stated that two decorative concrete column planter boxes measuring 2' in width and about 5' in height are shown between the pool decking area with a wall away from the pool decking area to work with the grade changes and lower elevation of the land.

Trustee Coleman stated that it was mentioned previously that the dimensions of the concrete pillar planter boxes were 2' by 2'. Mr. Hopkins stated that the concrete pillars are about 2.5' by 2.5'. Mayor Andrews asked the members of the Board if they are prepared to vote on the proposal before the Board as it stands. The consensus of the Board was that there are several issues to be addressed regarding the proposed project before a vote on the matter can take place. Mayor Andrews asked Mr. Nix if he would like the Board to take a vote on the present plan before the Board or if he wishes to have an opportunity to address the concerns including modifying the plans. Mr. Nix stated that he has attempted to address the concerns that have been raised with the proposed pool plans and he will try to work with his pool contractor to address some of the open issues. Mayor Andrews asked Mr. Nix to consider reducing the size of the pool.

Mayor Andrews suggested that this matter also be remanded back to the Planning and Zoning Commission for further review to discuss the issues raised this evening as well as reviewing any impact as it relates to an amendment to a Planned Unit Development which is a special use with certain standards.

Mayor Andrews stated that in order for the Board to formally vote on the matter to allow a pool it should be in a form that allows for an amendment to a Planned Unit Development pursuant to the plan submitted to the Village in such final form that every part of the proposal has been presented. He further stated that if such an amendment were to be granted that it would be granted for a special purpose with specific details on how the project would be completed in its entirety.

Mayor Andrews entertained a motion to remand Zoning Petition #171 for an in-ground swimming pool at 11145 Ashbrook Lane back to the Planning and Zoning Commission for consideration. Trustee Coleman moved seconded by Trustee Bermier, to remand Petition #171 back to the Planning and Zoning Commission for a continuation of the public hearing regarding an in-ground swimming pool at 11145 Ashbrook Lane. Carried by unanimous roll call vote (6/0/0).

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnaufer, Walsh

Nays: None

Absent: None

Mayor Andrews stated that the Village Board is interested in working with Mr. Nix and his pool contractor to address and resolve the concerns discussed at the meeting this evening. Mayor Andrews noted that the Planning and Zoning Commission will meet again the first Tuesday in June at which time the Commission will continue the public hearing with regard to Petition #171. Mayor Andrews thanked the audience members from Ashbrook regarding their respectful approach to voicing their concerns relative to this zoning matter before the Board.

Report from the Planning and Zoning Commission Regarding Petition #172 - A Public Hearing Regarding an Amendment to the Ashbrook P.U.D. for the Property at 11170 Ashbrook Lane.

A. Motion to Receive Report

B. Discussion, Consideration and Possible Vote to Grant Zoning Relief Requested

Chairman Dennis Schermerhorn reported that the Planning and Zoning Commission conducted a public hearing on Tuesday, May 5, 2009 to consider Petition #172 for an amendment to the Ashbrook Planned Unit Development and rear yard variation regarding 11170 Ashbrook Lane to allow for the reconstruction and expansion of an existing deck.

Chairman Schermerhorn noted the following: (1) the zoning petition for an amendment and rear yard variation was presented by Michael Kryza and Madonna Kral, the property owners of 11170 Ashbrook Lane; (2) the property owners stated that the single family home at 11170 Ashbrook Lane was the model home in the Ashbrook Subdivision and the builder constructed a smaller deck on that model unit; (3) the property owners are interested in expanding the deck to the north by about two-feet (2') and to the east about ten-feet (10'); (4) the existing deck extends beyond the buildable area, as defined by the Village's ordinance, by about three-feet (3') into the rear yard setback. The proposed deck would extend another two-feet (2') into the rear yard setback; (5) there were no objections to the petition presented and the Ashbrook Estate Single Family Homeowners Association supported the petition to grant the zoning relief as well as a neighbor who attended the public hearing.

After the Planning and Zoning Commission conducted its findings, the following items were noted: (1) the existing deck already encroaches into the rear yard setback and a previous variance was granted by approval of the Planned Unit Development Plat to allow for the encroachment; (2) the rear of the building faces an area that will not cover any windows on the rear of the home and; (3) there will be no removal of trees or other significant disturbance of existing terrain. Chairman Schermerhorn stated that after review of the findings and discussion among the Commissioners, the Commission unanimously voted in favor of providing a favorable recommendation to the Village Board to grant the zoning relief as requested conditioned upon the following: (1) the deck shall remain open to the sky; and (2) the deck may not be enclosed or screened. The vote by the Commission was four in favor, none opposed and three members were absent.

Mayor Andrews entertained a motion to accept the report from the Planning and Zoning Commission with regard to Zoning Petition #172, as presented by Chairman Schermerhorn. Trustee Walsh moved, seconded by Trustee Anselmo, to accept the report from the Planning and Zoning Commission regarding Petition #172 for the property located at 11170 Ashbrook Lane. Carried by unanimous roll call vote (6/0/0).

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnaufer, Walsh

Nays: None

Absent: None

Michael Kryza, of 11170 Ashbrook Lane, stated that the Planning and Zoning Commission was very cooperative in their review of the request before them for the amendment to the Ashbrook Planned Unit Development. He noted that other options were explored to construct the deck in another direction at the back of the house. However, due to the angle of the property boundary a better design plan was developed to also incorporate preserving a mature River Birch tree in the rear yard in the vicinity of the new deck. Mayor Andrews noted that there were no comments from the audience with regard to the proposed plans for the reconstruction of a deck at 11170 Ashbrook Lane. Mayor Andrews stated that an ordinance has been prepared incorporating the recommendations set forth by the Planning and Zoning Commission. Mr. Kryza stated that he would follow all of the guidelines set forth by the Planning and Zoning Commission as well as the Board of Trustees with regard to the reconstruction of the deck at 11170 Ashbrook Lane. Trustee Bailey moved, seconded by Trustee Bermier, to approve an ordinance granting an amendment to the Ashbrook Planned unit Development and rear yard variance for the property located at 11170 Ashbrook Lane, to allow for the reconstruction of a deck consistent with the recommendations from the Planning and Zoning Commission. Carried by unanimous roll call vote (6/0/0). **Ordinance #09-6.**

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnaufer, Walsh

Nays: None

Absent: None

QUESTIONS AND/OR COMMENTS FROM THE AUDIENCE

Mayor Andrews thanked Village staff, volunteers and everyone that was involved in the planning of the annual Easter Egg Hunt that was a tremendous success. He also thanked Diane Andrews, Jonathan Andrews, Bridget Anselmo, Trustee Debbie Anselmo, Trustee Anne Bermier, Trustee Carol Coleman, past Mayor Rich Pellegrino, Rachel Pellegrino as well as her friends Kylee McDermott, Tera Havey and Melissa Quirk, Hope Walsh, Trustee Matt Walsh, Yahoudie the Great and the Easter Bunny.

EXECUTIVE SESSION

Trustee Schnaufer moved, seconded by Trustee Bailey, to adjourn to executive session pursuant to 5 ILCS 120/2 (c) (5) to discuss land acquisition. Carried by unanimous roll call vote (6/0/0).

Ayes: Trustees: Anselmo, Bailey, Bermier, Coleman, Schnaufer, Walsh

Nays: None

Absent: None

RETURN TO THE REGULAR BOARD MEETING

Trustee Anselmo moved, seconded by Trustee Bermier, to return to the regular Board meeting. Carried by unanimous voice vote (6/0/0).

ADJOURNMENT

There being no further business to discuss, Trustee Bailey moved, seconded by Trustee Schnaufer, to adjourn the regular Board meeting at 9:40 p.m. Carried by unanimous voice vote (6/0/0).

Respectfully Submitted,
Kathy Leach, Deputy Clerk/Recording Secretary